

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOMIE BAGONDUM WEREGWE, }
A #96157659, }
Petitioner, }
v. }
JANET NAPOLITANO, *et al.*, }
Respondents. }
CIVIL ACTION NO. H-08-3111

OPINION ON DISMISSAL

Petitioner Jomie Bagondum Weregwe filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his continued detention by the Department of Homeland Security. (Docket Entry No.1). Respondents have filed a motion to dismiss the petition because petitioner has now been removed from the United States to Cameroon. (Docket Entry No.7). Petitioner has not filed a response to the motion.

The jurisdiction of the federal courts is limited under Article III, section 2 of the Constitution to the adjudication of actual, live “cases” and “controversies.” U.S. CONST. Art. III; *Alwan v. Ashcroft*, 388 F.3d 507, 511 (5th Cir. 2004). When a habeas petitioner has been released from custody, the Court can continue to exercise jurisdiction over the petition only if the petitioner “demonstrates ‘some concrete and continuing injury other than the now-ended incarceration.’” *Zalawadia v. Ashcroft*, 371 F.3d 292, 297 (5th Cir. 2004) (quoting *Spencer v. Kemna*, 523 U.S. 1, 7 (1998)). In other words, the petitioner must show that “some ‘collateral consequence’ of the litigation’s outcome persists.” *Alwan*, 388 F.3d at 511 (quoting *Spencer*, 523 U.S. at 8).

In his original petition, petitioner challenged the constitutionality of his continued detention pending removal to Cameroon. (Docket Entry No.1). Because petitioner is not longer

in the custody of the Department of Homeland Security, his personal stake in the outcome of this action—securing his release from federal custody—is moot.

Accordingly, respondents' Motion to Dismiss (Docket Entry No.7) is GRANTED. All pending motions are DENIED, AS MOOT. This habeas action is DISMISSED WITHOUT PREJUDICE .

It is SO ORDERED.

SIGNED at Houston, Texas, this 23rd day of November, 2009.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE